

Message Text

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PAGE 01 STATE 068430
ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SS-15
NSCE-00 ITC-01 SSO-00 INRE-00 /052 R

DRAFTED BY OA:MHSTYLES:BD
APPROVED BY OA:MHSTYLES
EUR/CE:RCASAGRANDE

-----016745 170039Z /17

O 162355Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY BONN IMMEDIATE

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E.O. 11652: N/A

TAGS: EAIR, GW

SUBJECT: CIVAIR: FRG DENIAL OF PAN AM TARIFFS AND
FLIGHTS

REF: (A) BONN 4823 (B) BONN 4848 (C) STATE 67195

1. DEPARTMENT DESIRES THAT IMMEDIATE REPRESENTATIONS BE
MADE PURSUANT TO STATE 67195, PRESUMABLY DIRECTLY TO
REHM,

2. WE CONSIDER DENIAL OF PAN AM SCHEDULE CHANGES TO BE
CLEAR VIOLATION OF 1955 BILATERAL WHICH IS STANDARD
BERMUDA I TYPE AGREEMENT. ACCEPTED INTERNATIONAL
INTERPRETATION OF SUCH AGREEMENTS IS THAT CAPACITY CAN BE
CHALLENGED ONLY IN AN EX POST FACTO SENSE. WHAT FMT HAS
DONE IS INTERPRET UNILATERALLY ARTICLE 10, WITHOUT EVEN
PRETENSE OF ADVANCE CONSULTATIONS WITH USG. MOREOVER,
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DENIAL OF FRANKFURT-HONG KONG FLIGHTS BECAUSE OF AN
AGREEMENT BETWEEN LH AND A THIRD COUNTRY AIRLINE IS A
PATENTLY IRRELEVANT REASON.

3. RE CHANGE OF GAUGE, THERE IS EXCHANGE OF LETTERS
BETWEEN EMBASSY AND FMT WHICH CONFIRMS THAT CHANGE OF
GAUGE IS PERMITTED. EMBASSY LETTER IS DATED MARCH 24,

1959 TO HEINZ KALLUS, FMT (EMBASSY DESPATCH 1480) AND
FMT RESPONSE CONFIRMS IT ACCEPTS US VIEW.

4. RE TARIFFS, WE DISAGREE STRONGLY THAT ARTICLE 11
REQUIRES, AS GERMAN NOTE STATES, THAT AIR FARES BE
AGREED WITHIN IATA OR BETWEEN INDIVIDUAL AIRLINES. IN
FACT, SUBPARA (AA) OF PARA (D) SPECIFICALLY PROVIDES A
PROCEDURE WHEN IATA HAS NOT REACHED AGREEMENT, WHICH IS
CASE HERE. MOREOVER, TO READ INTO INTRODUCTORY
PARA THAT AIRLINES SHOULD AGREE AMONG THEMSELVES IN
ORDER TO SATISFY THE PROVISION THAT DUE REGARD BE PAID
TO "THE RATES CHARGED BY ANY OTHER AIR CARRIER" IS NOT
LEGALLY DEFENSIBLE.

5. EMBASSY MAY MAKE FOREGOING POINTS IN ITS REPRESENTA-
TION, BUT WE WISH EMPHASIZE THAT MAIN PURPOSE OF
IMMEDIATE REPRESENTATION IS THAT SET FORTH PARA 4
STATE 67195. VANCE

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NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, TARIFFS, AIR FARES, AIR SCHEDULES
Control Number: n/a
Copy: SINGLE
Draft Date: 16 mar 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780358/aaaabwwf.tel
Line Count: 80
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 84cfa1c5-c288-dd11-92da-001cc4696bcc
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Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Review Release Date: N/A
Review Release Event: n/a
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SAS ID: 3299688
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: FRG DENIAL OF PAN AM TARIFFS AND FLIGHTS
TAGS: EAIR, GE, PANAM
To: BONN
Type: TE
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Review Markings:
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